

**DELEGATION OF AUTHORITY
CLEAN AIR ACT (CAA)**

Administrative Enforcement Actions: Issuance of
Complaints and Orders, and Signing of Consent Agreements, etc.

1. AUTHORITY.

- a. To make findings of violation, to issue notices of violation, to issue orders, to issue or withdraw complaints, to issue penalty orders, to issue administrative compliance orders, to give written notice of a proposed administrative penalty, to issue field citations, and to negotiate and confer with the alleged violator pursuant to the Clean Air Act (CAA), to sign consent agreements memorializing settlements between the Agency and respondents, and to compromise, modify or remit administrative penalties, except for new source review orders.
- b. To determine jointly with the Attorney General in accordance with the CAA the circumstances under which a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action.

2. TO WHOM REDELEGATED. To the Director, Enforcement and Compliance Assurance Division, or equivalent.

3. LIMITATIONS.

- a. The AA for OECA may exercise these authorities in multi-Regional cases, cases of national significance or nationally managed programs. The AA for OECA or his/her designee must notify any affected regional administrators or division director when exercising any of the above authorities except for issuing notices of violations, issuing complaints, issuing field citations and making findings of violation.
- b. The regional administrator or division director must obtain the concurrence of the AA for OECA or his/her designee before issuing the first three complaints and before signing the first three consent agreements in the administrative penalty program.
- c. The regional administrator or division director must submit copies of all administrative complaints, all signed consent agreements and all penalty justification documentation to the AA for OECA within 20 days from their issuance or signing. The AA for OECA or his/her designees may issue guidance concerning headquarters oversight of the administrative penalty program.
- d. The AA for OECA may waive his/her consultation and concurrence requirements by memorandum.
- e. The AA for OECA must concur in any determination regarding the authority redelegated under paragraph 1.b.
- f. The Deputy Administrator may, based on the recommendation of the AA for OECA or his/her designee, withdraw any authority delegated to the Regional Administrators or impose additional concurrence or consultation requirements on a case-by-case basis, based on a determination that a Region has failed to adequately follow or

- implement guidance and policies concerning the administrative penalty program.
- g. Once the alleged violator files an answer or fails to file an answer in the specified time period, the Regional Counsel or his/her designee will conduct all negotiations.
 - h. The Agency official who signed the complaint should sign the consent agreement, unless otherwise provided by 40 C.F.R. Part 22.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSION. This delegation supersedes R10 7-6-A (05/28/2004) and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. Sections 113(a), 113(d), 113(e), and 205(c) of the CAA.
- b. Memorandum signed June 4, 2003 by Walker B. Smith, Director, Office of Regulatory Enforcement.
- c. EPA Delegation 7-49.
- d. EPA Delegation 7-37.
- e. EPA Delegation 7-6-A.

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Date



Chris Hladick
Regional Administrator